

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-51019-2021 (O&M)

Date of decision: 21.04.2022

Rajinder Kumar @ Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Anurag Tomar, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 310 dated 18.08.2019, registered under Sections 419, 420, 467, 468, 471 and 120-B of the IPC at Police Station Sushant Lok, District Gurugram.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on a complaint given by one Anubha Sandhu, it is stated that she is an NRI, residing in Australia, and has come to know that by preparing false documents, somebody is trying to sell his plot. The buyer of the property was Lotus Property Developers owned by Manish Bansal and the agents for the sellers are one Mahesh Prajapati as well as petitioner Rajinder. Later on, she gave another complaint to the police that one Rohit Bakshi was trying to get a loan of Rs. 2.5 Crore from Tata Finance on the basis of false papers relating to her plot and in the

preliminary inquiry, the Investigating Officer recovered the original agreement to sell as well as the loan documents from said Lotus Property Developers.

Learned counsel further submits that though as per allegations in the FIR, an effort was made to sell the plot of the complainant, however, no money transaction has taken place in this regard.

Learned counsel further submits that the petitioner is in judicial custody for the last 01 year, 08 months and 12 days; offences are triable by the Court of a Magistrate and conclusion of trial is likely to take a long time as out of total 15 prosecution witnesses, only 03 witnesses have been examined so far.

Reply, filed by way of the affidavit of the Investigating Officer, is on record, wherein after verifying the facts of the FIR, it is stated that during investigation, it has come that Pankaj Rohilla obtained the documents of complainant regarding her plot from co-accused Jaipal and thereafter, he along with petitioner Rajinder Kumar @ Raju arranged a lady for impersonating Anubha Sandhu and in conspiracy with aforesaid Mahesh Prajapati, the prepared fake Aadhar Card and entered into agreement to sell with one Ruchika Bansal for a sale consideration of Rs. 4 crore 15 Lakh. The husband of Ruchika Bansal, i.e. Manish Bansal, gave two cheques of Rs. 15 Lakh each, however, on account of having some suspicion, he got the payment of the said cheques stopped.

Learned State counsel has filed the custody certificate and submitted that the petitioner is involved in as many as 08 FIRs of similar nature, however, it is not disputed that no transaction took place and out of total 15 prosecution witnesses, only 03 witnesses have been examined so

far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 01 year, 08 months and 12 days; offences are triable by the Court of a Magistrate; no transaction took place in this case and also in view of the fact that conclusion of trial is likely to take some time as out of total 15 prosecution witnesses, only 03 witnesses have been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

21.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No